

So Ordered.

Dated: August 20th,
2019



Frederick P. Corbit

Frederick P. Corbit
Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

TAMARACK AEROSPACE GROUP,
INC., A Washington Corporation

Debtor.

Case No. 19-01492-FPC11

AGREED ORDER GRANTING
RELIEF FROM STAY AND
DENYING MOTION TO
WAIVE FRBP 4001(a)(3)

THIS MATTER is before the Court upon the motion of the decedents' estates of Andrew Davis, Wayne Estopinal, and Sandra Johnson (the "Decedents' Estates") for Relief from Stay, Abandonment, for authorization for Decedents' Estates to commence proceedings to recover damages arising from an airplane crash on November 30, 2018 in the vicinity of Memphis, Indiana (the "(Accident)"), with those alleged damages payable by Debtor's policy of insurance (ECF No. 28); Decedents'

AGREED ORDER - 1

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1 Estates' Motion to Waive Requirements of BR 4001(a)(3), (ECF No. 79); and
2 Debtor's Objection thereto (ECF No. 42); and based upon the motions, and upon
3 consideration of the documents and evidence presented,
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5 IT IS HEREBY ORDERED that:
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7 1. The automatic stay is hereby modified stay to allow the Decedents to
8 proceed and prosecute claims against Tamarack in accordance with 28 U.S.C.
9 §157(b)(5) up to the policy limits of all applicable liability insurance policies
10 providing insurance coverage for Tamarack;
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12 2. The jurisdictional mandates and restrictions of 28 U.S.C. §157(b)(5) with
13 respect to Decedents' claims and litigation are hereby imposed and implemented;
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15 3. Nothing herein makes any finding of fact in respect to the merits of the
16 underlying wrongful death claim; and
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18 4. The Automatic stay shall remain in effect in all other respects, but
19 without prejudice to the rights of Decedents to file unsecured proofs of claim in the
20 bankruptcy case, and without prejudice to the Decedent's rights to seek recovery from
21 Debtor's insurer as either a beneficiary of, or as an assignee of, Debtor's bad faith
22 claims against the insurer in the event a bad faith claim against the insurer can be
23 pursued by Debtor to recover sums from the insurer which were awarded by the jury
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28 AGREED ORDER - 2

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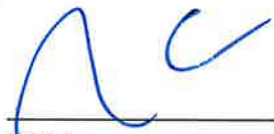
1 but which are in excess of the policy limits.

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3 IT IS FURTHER ORDERED that Decedents' Estates' Motion to Waive
4 Requirements of BR 4001(a)(3), (ECF No. 79) is hereby Denied.

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/// End of Order ///

Agreed to and Presented by:

PHILLABAUM LEDLIN MATTHEWS
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IAN LEDLIN, WSBA No. 6695

BENJAMIN D. PHILLABAUM, WSBA No. 48089

Lawyers for Decedents' Estates of Andrew Davis, Wayne Estopinal, and Sandra Johnson

Agreed to and Presented by:

JOHN D. MUNDING P.S.

/s/ John D. Munding per telephonic approval

JOHN D. MUNDING WSBA No. 21734

Attorney for Tamarack Aerospace Group, Inc., Debtor

AGREED ORDER - 3

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